

# EXHIBIT B

AU 106 (SDNY Rev. 01/17) Application for a Search Warrant

## UNITED STATES DISTRICT COURT

for the

**18 MAG 84421**

In the Matter of the Search of  
 (Briefly describe the property to be searched  
 or identify the person by name and address)

See Attachment A

Case No. S1 17 Cr. 548 (PAC)

## APPLICATION FOR A SEARCH AND SEIZURE WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

located in the Southern District of New York, there is now concealed (*identify the person or describe the property to be seized*):

See Attached Affidavit and its Attachment A

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

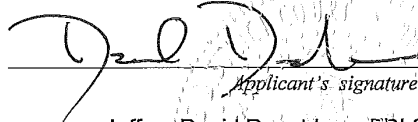
The search is related to a violation of:

| <i>Code Section(s)</i>                            | <i>Offense Description(s)</i>                                                                                                                                                                        |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 U.S.C. §§ 401; 793;<br>1030; 1503; 1791; 2252A | Contempt of court; unlawful disclosure of classified information; unauthorized computer access; obstruction of justice; smuggling contraband into prison; illegal acts related to child pornography. |

The application is based on these facts:

See Attached Affidavit and its Attachment A

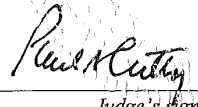
- ☒ Continued on the attached sheet.  
☒ Delayed notice of 30 days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
 \_\_\_\_\_  
*Applicant's signature*  
 Jeffrey David Donaldson, FBI Special Agent  
 \_\_\_\_\_  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/03/2018

City and state: New York, NY

  
 \_\_\_\_\_  
*Judge's signature*  
 The Honorable Paul A. Crotty, U.S.D.J.  
 \_\_\_\_\_  
*Printed name and title*

JAS\_021086

18 MAG 84421

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Application of the United States of America for a Search and Seizure Warrant for Documents Found in a Cell at the Metropolitan Correctional Center, 150 Park Row, New York, New York 10007, previously inhabited by Joshua Adam Schulte

TO BE FILED UNDER SEAL

Agent Affidavit in Support of  
Application for Search Warrant

SOUTHERN DISTRICT OF NEW YORK) ss.:

JEFF D. DONALDSON, being duly sworn, deposes and says:

**I. Introduction**

**A. Affiant**

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") assigned to the New York Field Office, and have been employed by the FBI since 2010. I am currently assigned to a squad responsible for counterespionage matters and have worked in the field of counterintelligence from 2010 to present. In the course of my duties as a Special Agent, I am responsible for investigating offenses involving espionage and related violations of law, including unauthorized retention, gathering, transmitting or losing classified documents or materials; unauthorized removal and retention of classified documents or materials; illegally acting in the United States as a foreign agent; other national security offenses; and the making of false statements. As a result of my involvement in espionage investigations and investigations involving the unauthorized disclosure or retention of classified information, as well as my training in counterintelligence operations, I am familiar with the tactics, methods, and techniques of United States persons who possess, or have possessed a United States Government security clearance and may choose to harm the United States by misusing their access to classified information. I am also

familiar, though my training and experience with the use of computers in criminal activity and the forensic analysis of electronically stored information.

2. I make this Affidavit in support of an application pursuant to Rule 41 of the Federal Rules of Criminal Procedure for a warrant to seize and review certain materials identified during the search of the Metropolitan Correctional Center (“MCC”), which took place on October 3, 2018 pursuant to a search warrant signed by the Court on October 2, 2018 (the “MCC Search Warrant”). The MCC Search Warrant and underlying affidavit are attached to this application as Exhibit A and is incorporated by reference, including the defined terms identified therein.

3. As described in more detail, this application seeks the authority to seize and search documents (the “Schulte Cell Documents”) collected from a cell formerly inhabited by Joshua Adam Schulte, among others. At least some of the Schulte Cell Documents appear to relate to the use of the Contraband Cellphones in the MCC and the creation of a false exculpatory document (specifically, a document purportedly written by an FBI whistleblower to Wikileaks exonerating Schulte), which are described in more detail below. Other of the Schulte Cell Documents, which the agents have not reviewed, bear indications that they were potentially created to aid in the preparation of Schulte’s legal defense. As a result, and out of an abundance of caution, this application requests permission to have law enforcement agents and prosecutors who are not part of the prosecution team (the “Wall Team”) search the Schulte Cell Documents first and segregate out any non-privileged documents that are responsive to this warrant. Only the segregated, non-privileged Schulte Cell Documents will be provided to the prosecution team. The remaining documents will be returned to the MCC for delivery to Schulte within 48 hours.

4. This Affidavit is based upon my personal knowledge; my review of documents and other evidence; my conversations with other law enforcement personnel; and my training,

experience and advice received concerning the use of computers in criminal activity and the forensic analysis of electronically stored information. Because this Affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

**B. The Subject Offenses**

5. For the reasons detailed below, I believe that there is probable cause that the Schulte Documents contain evidence, fruits, and instrumentalities of Title 18, United States Code, Sections 401 (contempt of court), 793 (unlawful disclosure of classified information); 1030 (unauthorized computer access), 1503 (obstruction of justice), 1791 (smuggling contraband into a federal detention facility) and 2252A (illegal acts related to child pornography); as well as conspiracies and attempts to violate these provisions and aiding and abetting these offenses (the “Subject Offenses”).

**II. Probable Cause and Request to Search**

6. Based on my training, experience, and participation in this investigation, as well as my conversations with others, I have learned, among other things, that:

a. On October 3, 2018, I and other law enforcement officers executed the MCC Search Warrant. Prior to the search, MCC officials had removed the Schulte Cell Documents, among other things, from Schulte’s former cell and stored them in an official office at the MCC.

b. The Schulte Cell Documents are comprised of more than approximately 300 pages of materials. In executing the MCC Search Warrant, the agents began to review the Schulte

Cell Documents. During that search, law enforcement officers encountered, among other things, the following:

- i. The Schulte Articles, as described in the MCC Search Warrant;
- ii. The Pro Se Bail Motion, as described in the MCC Search Warrant<sup>1</sup>;
- iii. A document that bore the name of an email account (johnsmith742965@gmail.com) identified on one of the Contraband Cellphones, as well as what appears to be the password for that account (the “JohnSmith Document”)<sup>2</sup>;

- iv. A document that was purportedly authored by a member of the FBI that appears to be intended for Wikileaks (the “Fake FBI Document”).<sup>3</sup> The Fake FBI Document is purportedly from a whistleblower within the FBI who states, in substance and in part, that Schulte was not responsible for the Leak and that the FBI planted child pornography on his computer.

c. As the agents were reviewing the Schulte Cell Documents pursuant to the MCC Search Warrant, they identified documents upon which there were markings that indicated they were potentially prepared to aid in Schulte’s defense.

7. In light of the foregoing, this application seeks authority for the Wall Team to review the Schulte Cell Documents to segregate out any privileged documents. The Wall Team will then turn over the remainder of the documents to the FBI case agents involved in the prosecution who would review those documents for evidence of the Subject Offenses, including:

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<sup>1</sup> The MCC Search Warrant does not permit the Government to seize the Pro Se Bail Motion, and the Government is not seeking that authority in this application.

<sup>2</sup> The Government is seeking a search warrant to search this email account in a separate search warrant.


<sup>3</sup> In prison calls with his parents, Schulte discussed, in substance and in part, having his parents attempt to contact Wikileaks.

- a. The Schulte Articles, which are already subject to seizure pursuant to the MCC Search Warrant;
  - b. Any documents, including the JohnSmith Document, pertaining to the smuggling in of the Contraband Cellphones and/or their use, which are already subject to seizure pursuant to the MCC Search Warrant;
  - c. Any documents, including the Fake FBI Document, reflecting an attempt to obstruct justice through the creation of false documents;
  - d. Any other documents that would be subject to seizure pursuant to the MCC Search Warrant.
8. All privileged documents and documents not subject to seizure pursuant to this warrant will be returned to the MCC within 48 hours for delivery to Schulte pursuant to MCC protocols.

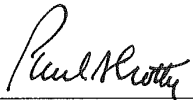
**III. Conclusion and Ancillary Provisions**

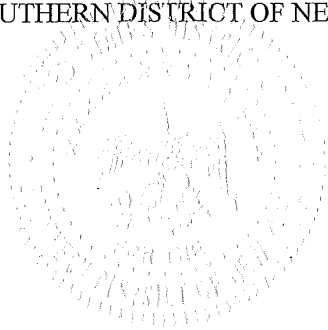
9. Based on the foregoing, I respectfully request the court to issue a warrant to search and seize the items and information specified in Attachment A to this Affidavit and to the Search and Seizure Warrant.

10. In light of the confidential nature of the continuing investigation, I respectfully request that this Affidavit be maintained under seal until the Court orders otherwise.

  
\_\_\_\_\_  
JEFF D. DONALDSON  
Special Agent  
Federal Bureau of Investigation

Sworn to before me on  
this 3rd day of October 2018

  
\_\_\_\_\_  
THE HONORABLE PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK





**Attachment A**

**I. Identification of Documents to Be Searched**

On October 3, 2018, law enforcement officers executed a search warrant at the Metropolitan Correctional Center (“MCC”) pursuant to a search warrant signed by the Court on October 2, 2018 (the “MCC Search Warrant”). The MCC Search Warrant is attached hereto as Exhibit A and is incorporated by reference, including the defined terms identified therein. Prior to that search, MCC officials had removed approximately 300 documents from a cell formerly inhabited by Joshua Adam Schulte (the “Schulte Cell Documents”) and moved those documents to an official office in the MCC. The Schulte Cell Documents are the subject of this warrant.

**II. Execution of the Warrant**

Law enforcement agents are permitted to execute the search warrant at any time in the day or night. Upon the execution of this warrant, notice will be provided at or as soon as possible after the execution of the search.

**III. Items to Be Searched and Seized**

**A. Evidence, Fruits, and Instrumentalities of the Subject Offenses**

Pursuant to the process described below, the Schulte Cell Documents may be searched for the seizure of the following evidence, fruits, and instrumentalities of: Title 18, United States Code, Sections 401 (contempt of court); Title 18, United States Code, Section 793 (unlawful disclosure of classified information); Title 18, United States Code, Section 1030 (unauthorized computer access), Title 18, United States Code, Section 1503 (obstruction of justice), Title 18, United States Code, Section 1791 (smuggling contraband into a federal detention facility) and Title 18, United States Code, Section 2252A (illegal acts related to child pornography); as well as conspiracies and attempts to violate these provisions and aiding and abetting these offenses (the “Subject Offenses”):

a. The Schulte Articles, which are already subject to seizure pursuant to the MCC Search Warrant;

b. Any documents, including the JohnSmith Document, pertaining to the smuggling in of the Contraband Cellphones and/or their use, which are already subject to seizure pursuant to the MCC Search Warrant;

c. Any documents, including the Fake FBI Document, reflecting an attempt to obstruct justice through the creation of false documents;

d. Any other documents that would be subject to seizure pursuant to the MCC Search Warrant.

**B. Wall Team Search Procedures**

1. The Schulte Cell Documents will first be reviewed by law enforcement agents and prosecutors who are not part of the prosecution team (the "Wall Team") to segregate out any privileged documents.

2. The Wall Team will then turn over the remainder of the documents to the FBI case agents involved in the prosecution who would review those documents for evidence of the Subject Offenses, as described above.

3. All privileged documents and documents not subject to seizure pursuant to this warrant will be returned to the MCC within 48 hours for delivery to Schulte pursuant to MCC protocols.